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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/383,754	08/26/1999	KEIJI MIYAKE	3517-44	7001

7590 05/10/2004  
Pitney, Hardin, Kipp & Szuch LLP  
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New York, NY 10017

EXAMINER

TRAN, DOUGLAS Q

ART UNIT PAPER NUMBER

2624

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/383,754

Applicant(s)

MIYAKE ET AL.

Examiner

Douglas Q. Tran

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 18 is rejected under 35 U.S.C. 102(e) as being anticipated by Tsukamoto et al. (US Patent No. 5,668,641).

As to claim 18, Tsukamoto teaches a print progress notifying device comprising:

counting means for counting a printed raster number (col. 14, lines 56-59, the number of raster lines is counted);

detecting means for detecting a total raster number of print data (col. 14, lines 56-59 lines indicating the printing from a time when the binary signal is received) ;

a timer that measuring a required time duration from when print operations are started to when the counting means counts the printed raster number (col. 14, lines 56-59); and

predicting means for predicting at least one of a remaining time duration required for completing the print operations and a completion time at which the print operations and a completion time at which the print operations are completed, based on the printed raster number, the total raster number, and the required time duration (col. 14, lines 55-61 indicating the

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prediction of the remaining time duration required for completing the print operations based on the printed raster number, the total raster number, and the required time duration).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto and Beaudet et al. (US Patent No. 6,469,795).

As to claim 19, Tsukamoto teaches every feature in claim 18, and further teaches printer for performing the print operations (col. 16, lines 35-38) and wherein the counting means is provided to the printer (col. 16, lines 45-47). Although Tsukamoto teaches the printing facsimile connected to output device, Tsukamoto does not teach a computer that is connected to the printer, wherein the timer and the predicting means are provided to the computer.

Beaudet teaches a computer (8 in fig. 1) that is connected to the printer (12 in fig. 2), wherein the timer and the predicting means are provided to the computer (col. 8, lines 25-27 indicates that the time and predicting time is provided to the user in the computer).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the printing system of Tsukamoto for status of the predicting time to the user at the computer as taught by Beaudet. The suggestion for modifying the system of Tsukamoto can be reasoned by one of ordinary skill in the art as set forth above by Beaudet

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because the modified systems would increase the efficiency for providing the status the user at the computer. Such modification would allow the user know the status of the print job at computer without walking up the printer.

***Response to Arguments and Amendment***

Applicant's arguments filed 4/5/04 have been fully considered but they are not persuasive.

Applicant asserted in page 2 "More specifically, the claimed invention calculates printing times based on the printed raster number that is the number of rasters that has already been printed and a time duration that is actually required to print the number of rasters. Again, this is quite different from the Tsukamoto reference, wherein the printing time is calculated based on "the printing time per line" and "the number of frames to be printed, the number of lines to be printed". In reply, Tsukamoto teaches, with respect to col. 14, lines 48-61, in step NS2, the CPU 1-1 calculates the number of frames to be printed in accordance with the received and confirmed binary signal in step S444. If the number of frames to be printed is 128 or more and the frame size is 256 bytes, the CPU 1-1 discriminates that the remaining printing and unit control cannot be completed within the flow control time (about 60. $\pm$ .5 sec). In step NS2, a time and the number of steps required for printing from a time when the binary signal is received and confirmed may be assumed and calculated in accordance with the number of frames to be printed, the number of lines to be printed, the printing time per line, the frame size, and the like so as to discriminate whether the remaining printing and unit control are completed within the flow control time.

Col. 16, lines 44-50 describes that in step NS1, the time and the number of steps required for printing from a time when the binary signal is received and confirmed may be assumed and calculated in accordance with the number of frames to be printed, the number of lines to be printed, the printing time per line, the frame size, and the like so as to discriminate whether the remaining printing and unit control are completed within the flow control time.

Therefore, Tsukamoto clearly teaches counting means for counting a printed raster number (col. 14, lines 56-59, the number of raster lines is counted);

detecting means for detecting a total raster number of print data (col. 14, lines 56-59 lines indicating the printing from a time when the binary signal is received) ;

a timer that measuring a required time duration from when print operations are started to when the counting means counts the printed raster number (col. 14, lines 56-59); and

predicting means for predicting at least one of a remaining time duration required for completing the print operations and a completion time at which the print operations and a completion time at which the print operations are completed, based on the printed raster number, the total raster number, and the required time duration (col. 14, lines 55-61 indicating the prediction of the remaining time duration required for completing the print operations based on the printed raster number, the total raster number, and the required time duration).

Furthermore, Beaudet teaches a computer (8 in fig. 1) that is connected to the printer (12 in fig. 2), wherein the timer and the predicting means are provided to the computer (col. 8, lines 25-27 indicates that the time and predicting time is provided to the user in the computer). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the printing system of Tsukamoto for status of the predicting time to the user at

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the computer as taught by Beaudet because the modified systems would increase the efficiency for providing the status the user at the computer. Such modification would allow the user know the status of the print job at computer without walking up the printer.

For the above reasons, it is believed that the cited prior art fully discloses the claimed invention and the rejection stand.

***Conclusion***

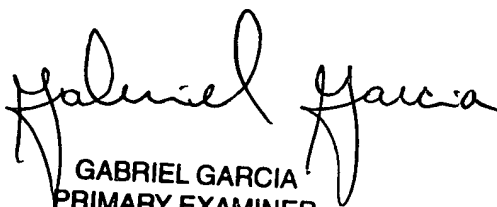
**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (703) 305-4857 or E-mail address is Douglas.tran@uspto.gov.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Douglas Q. Tran  
May. 04, 2004

  
GABRIEL GARCIA  
PRIMARY EXAMINER